32. Need for the introduction of Coparcenary partition and the Makkathayam system of inheritance in Nair Tarwads.

Mr. P. M. Narayana Kurup (Member, Chirayinkil taluk) referred to the existing provisions in the Nair Regulation in regard to the disposal of one's self-acquisitions to one's wife and children. Even at the time of the passing of the Regulation, the opinion of the community asserted itself in sufficient volume in favour of partition. But the partition provisions were deleted, as the then non-official Nair Members of the Council were opposed to partition. The days when a *Karanavan* could manage a tarwad with satisfaction to all its members and peace and prosperity to the household were gone. The trend of the decisions both of the Travancore and Madras High Courts was towards the assertion of individual rights and freedom and it helped the cause of partition considerably. The present Nair Regulation allowed one-half of the self-acquisitions to the wife and children of the acquirer and what was asked was that the whole of the self-acquisitions should be given to the wife and children as a matter of right, especially because the principle had been accepted both in the Nair Regulation and in the power enjoyed under which wills were being executed making the free gift of the whole of one's self-acquisitions legal. To the Dewan's query, the Member replied that he would have individual partition and not partition by *thavazhies*.

Dewan's reply.—Noted.

33. Urgent necessity for amending the Nair Regulation allowing Makkathayam and individual partition among Nairs.

Mr. K. Govinda Pillai (Member, Thiruvalla taluk) said that the subject had been brought up at several Sessions of the Assembly. The Marumakkathayam Committee had in the course of their investigation recorded the evidence of a large number of witnesses who were in favour of partition. Mr. T. K. Velu Pillai had also introduced a Bill for *thavazhi* partition to the principle of which all the non-official members had assented, but it was vetoed by Government on the ground that the time had not arrived for a change in the law.

Dewan.—When I was at Kottayam two months back, a deputation of some members of the community came to me and requested that individual partition might be introduced in the Nair Regulation. After my return to Trivandrum, other people of the community came to me and opposed partition.

Member.—There is no use in taking opinions in secret. My impression is that a large number are for individual partition. A memorial from the Nair Members of the Assembly is being made ready for submission to Government.

Dewan.—I propose to take the votes of the Nair Members of the Assembly to-morrow. Nair Members who may be absent now may be informed of this. It is not intended to record their reasons. They have simply to state whether they are for partition and, if so, whether they are for individual or *thavazhi* partition. Further action to be taken will depend on the volume of opinion that will be gathered.

34. Need for effecting individual partition in Nair Tarwads by legislative enactment.

Mr. P. Narayana Pillai (Member, Chengannur taluk) traced the origin of the Marumakkathayam system of inheritance and stated that it was entirely unsuited to modern conditions and requirements and that the continuance of it would bring the Nair society into utter economic ruin. The present system of inheritance had already made the members of the Nair society more familiar with law courts than with their own homes. It had become a serious obstacle to all progressive and enlightened ways of living. It was unfortunate that the well-considered opinion of the Nair Committee in favour of partition was nullified by the four non-official Nair members of the Legislative Council when the Nair Regulation was passed. The arguments of the four Nair Members of the Council were then critically examined.

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